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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 Joseph J. Smith, *on behalf of*
17 *himself and all others similarly*
18 *situated,*

19 Plaintiff,

20 v.

21 One Nevada Credit Union,

22 Defendant.

23 Case No.: 2:16-cv-02156-GMN-NJK

24
DECLARATION OF DAVID H.
KRIEGER IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

25 Hearing: March 5, 2019

Time: 11:00 am

Courtroom: 7D

Chief Judge Gloria M. Navarro

26 **DECLARATION OF DAVID H. KRIEGER**

27 I, David H. Krieger, declare:

28 1. I am a resident of Clark County, Nevada, and a partner in the law firm of Haines &

- 1 Krieger, LLC, counsel for the Plaintiff in this matter.
- 2 2. I am writing this declaration in support of the Motion for Final Approval of Class
- 3 Action Settlement in this case.
- 4 3. I am competent to testify to the facts stated herein, which are based on personal
- 5 knowledge unless otherwise indicated, and if called upon to testify, I could and would
- 6 testify competently to the following.
- 7 4. I am a managing member of Haines & Krieger, LLC (“Haines & Krieger”). I have
- 8 been licensed to practice law in Nevada since 2005. I have been licensed to practice
- 9 law in New Jersey since 2002.

10 **RISKS OF CONTINUED LITIGATION**

- 11 5. The named Plaintiff and his counsel believe that the claims asserted in the actions
- 12 have merit.
- 13 6. Taking into account the burdens, uncertainty and risks inherent in this litigation,
- 14 Plaintiff’s counsel have concluded that further prosecution of this action through trial
- 15 would be protracted, burdensome, and expensive, and that it is desirable, fair, and
- 16 beneficial to the settlement class that the action now be fully and finally
- 17 compromised, settled and terminated in the manner and upon the terms and conditions
- 18 set forth in the Settlement Agreement.

19 **CLAIMS PROCESS**

- 20 7. Class Members were provided 90 days to make a claim for a settlement payment.
- 21 8. The procedure for submitting a claim was made as easy as possible: a claim form
- 22 could be submitted online through the settlement website or by US Mail.
- 23 9. I was informed by the Claims Administrator, KCC, that there were 12,213 timely
- 24 claims, four requests for exclusion and no objections.
- 25 10. I am also unaware of any objections from any Attorneys General.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 EXECUTED this 5th day of February 2019.

3 By: /s/ David H. Krieger

4 David H. Krieger

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